

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACQUELINE MELENDEZ, :
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 : ORDER
Plaintiff, : 22 Civ. 7632 (JGK) (GWG)
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-v.- :
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NYU LANGONE HOSPITALS, et al., :
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 :
Defendants. :
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court has reviewed the letters docketed as Docket ## 52 and 53. The Court is not convinced that sufficient communications have taken place between counsel.

The parties are directed to confer in person or by telephone about all discovery disputes in a sincere attempt understand the other side's position and to reach a resolution. The Court notes that relevance is not the only determinant of entitlement to discovery and the issues of burden and proportionality must also be part of the discussion (as well as part of the plaintiff's calculus in deciding whether and how to reach agreement on a particular issue). As part of this process, the Court expects that discovery disputes will be significantly narrowed even if they cannot all be eliminated.

If any disputes remain after the conferral process has been completed, the disputes shall be presented in the form of a jointly composed letter that describes each dispute in detail and provides the opposing party's position as to that dispute in detail. Before filing such a letter, each side shall give the other an opportunity to adjust its portion of the letter to respond to the other side's written draft describing its side of the dispute. As part of this process, the Court expects that additional narrowing of disputes will be possible. Of course, each side must make itself available to consult telephonically with opposing counsel as part of the composition process. It is critical that each party address in the final letter its responses to the other side's position as to each issue. The Court notes that if such a letter is filed, the Court expects to decide any disputes based solely on the letter.

SO ORDERED.

Dated: August 24, 2023
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge